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JUN 24 2004

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FENWICK & WEST LLP

Silicon Valley Center • 801 California Street • Mountain View, CA 94041
Tel 650.988.8500 • Fax 650.938.5200 • www.fenwick.com

FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: June 24, 2004

CLIENT-MATTER No.: 23215-07991

To:

To:		
NAME	FAX NO.	PHONE NO.
USPTO	703-872-9306	

+

0001/PTO Rev. 10/95 TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application)	U.S. Department of Commerce Patent and Trademark Office		Application Number	10/671,269	
			Filing Date	September 24, 2003	
			First Named Inventor	Scott A. Van Gundy	
			Group Art Unit Number	2645 ✓	
			Examiner Name	Not Yet Known	
Total Number of Pages in This Submission			11	Attorney Docket Number	23215-07991

ENCLOSURES (check all that apply)	
<input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input type="checkbox"/> Check Enclosed	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Return Receipt Postcard	<input type="checkbox"/> Letter to Chief Draftsperson
<input checked="" type="checkbox"/> Response to Notice to File Missing Parts	<input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) []
<input type="checkbox"/> Assignment & Recordation Cover Sheet	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Declaration	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input checked="" type="checkbox"/> Power of Attorney	<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Information Disclosure Statement & PTO/SB/06A <input type="checkbox"/> Copies of IDS Cited References	<input checked="" type="checkbox"/> Copy of Notice to File Missing Parts
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/>
<input type="checkbox"/> Request for Correction of Recorded Assignment	<input type="checkbox"/>
<input type="checkbox"/> Amendment/Response: [] Page(s) <input type="checkbox"/> After Final	<input type="checkbox"/>
<input type="checkbox"/> Status Request	<input type="checkbox"/>
<input type="checkbox"/> Revocation and Substitute Power of Attorney	<input type="checkbox"/>
REMARKS:	

SIGNATURE OF ATTORNEY OR AGENT	
Signature:	<i>Sabra-Anne Truesdale</i>
Attorney/Reg. No.:	Sabra-Anne R. Truesdale, Reg. No. 55,687
Dated:	6-24-04

CERTIFICATE OF FACSIMILE TRANSMISSION	
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.	
Signature:	<i>Sabra-Anne Truesdale</i>
Typed or Printed Name:	Sabra-Anne R. Truesdale
Dated:	6-24-04
Facsimile Number:	1-703-872-9306

23215/07991/DOCS/1445635.1

FEE TRANSMITTAL for FY 2004

Patent fees are subject to annual revision.

Complete if Known

Application Number 10/671,269
 Filing Date September 24, 2003
 First Named Inventor Scott A. Van Gundy
 Examiner Name Not Yet Known
 Art Unit 2645
 Attorney Docket No. 23215-07991

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 65)

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee

to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) .00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims		Extra Claims		Fee from below		Fee Paid	
Independent Claims		-20** =		x		=	
Multiple Dependent		-3** =		x		=	

Large Entity		Small Entity		Fee Description
Code	Fee (\$)	Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) .00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Code	Fee (\$)	Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	65
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(g)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify) _____

SUBTOTAL (3) (\$) 65

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

Name (Print/Type) Sabra-Anne R. Truesdale

Registration No. (Attorney/Agent)

55,687

Complete (if applicable)

Telephone (650) 335-7187

Signature

Sabra-Anne Truesdale

Date

6-24-04

PATENT

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IN THE UNITED STATES

PATENT AND TRADEMARK OFFICE

APPLICANT(S): Scott A. Van Gundy
APPLICATION NO.: 10/671,269
FILING DATE: September 24, 2003
TITLE: Server With Backup Capability for Distributed IP Telephony Systems
EXAMINER: Not Yet Known
GROUP ART UNIT: 2645
ATTY. DKT. NO.: 23215-07991

CERTIFICATE OF FACSIMILE TRANSMISSION		
I hereby certify that this correspondence, including the enclosures identified above, is being transmitted on the date shown below via facsimile to: Commissioner for Patents at the facsimile number indicated below.		
Signature:	<i>Sabra-Anne R. Truesdale</i>	
Typed or Printed Name:	Sabra-Anne R. Truesdale, Reg. No. 55,687	Dated: 6-24-04
Facsimile Number:	703-872-9306	

MAIL STOP MISSING PARTS
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION

SIR:

Responsive to the Notice to File Missing Parts dated February 4, 2004 received in the above-identified patent application,

☒ Enclosed are:

- ☒ a copy of the Notice to File Missing Parts;
- ☒ an original, signed Declaration;
- ☒ an original, signed Power of Attorney;
- ☐ an Application Data Sheet;

PATENT

☒ payment in the amount of \$65.00 for the

☐ application filing fee;

☐ fee for additional claims; and

☒ missing parts surcharge.

☒ Other: Copy of facsimile cover page from the USPTO sent June 15, 2004

☒ Applicant claims small entity status under 37 C.F.R. § 1.27.

Applicant respectfully notes that as of June 15, 2004 he had not received the original Notice to File Missing Parts having a mailing date of February 4, 2004. On June 15, 2004, the undersigned contacted the US PTO to inquire whether a Notice of Missing Parts had been issued. In response, the US PTO faxed the Notice of Missing Parts to the undersigned on June 15, 2004. A copy of this fax evidencing transmission and receipt time and date is enclosed.

Since Applicant did not receive the originally mailed Notice and first learned of the Notice on June 15, 2004, Applicant requests that the US PTO reset the period for reply to begin on that date. Since Applicant is submitting the Response to the Notice well before the period for reply has ended (two months from June 15, 2004 on August 15, 2004), Applicant believes that no extension of time is necessary.

If the US PTO believes that an extension of time is necessary, Applicant authorizes the US PTO to charge a fee for a three-month extension to deposit account 19-2555.

Respectfully submitted,
SCOTT A. VAN GUNDY

Dated: 6-24-04

By: Sabra-Anne R. Truesdale
Sabra-Anne R. Truesdale, Reg. No.: 55,687
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Tel.: (650) 335-7187
Fax.: (650) 938-5200

JUN-24-04 02:11PM FROM-Fenwick & West Mountain View
TO:dana chevillier COMPANY:

650 938 5200

T-881 P.007/012 F-544



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/671,269	09/24/2003	Scott A. Van Gundy	23215 07991

00758
FENWICK & WEST LLP
SILICON VALLEY CENTER
801 CALIFORNIA STREET
MOUNTAIN VIEW, CA 94041

Fenwick & West

JUN 17 2004

Received

CONFIRMATION NO. 6540

FORMALITIES LETTER



OC00000011830414

Date Mailed: 02/04/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

A copy of this notice MUST be returned with the reply.

JUN-24-04 02:11PM FROM-Fenwick & West Mountain View
TO:dana chevillier COMPANY:

650 938 5200

T-881 P.008/012 F-544

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY

USPTO
TO: dana chevillier COMPANY:



Patent Technology Center 1700

Facsimile Transmission

To: Name: dana chevillier
Company:
Fax Number: 6509385200
Voice Phone:

From: Name:
Official Fax Number: (703) 872-9310
Official After Final Fax Number: (703) 872-9311
Voice Phone:

2804

37 C.F.R. 1.6 sets forth the types of correspondence that can be communicated to the Patent and Trademark Office via facsimile transmissions. Applicants are advised to use the certificate of facsimile transmission procedures when submitting a reply to a non-final or final Office action by facsimile (37 CFR 1.8(a)).

Fax Notes:

Date and time of transmission: Tuesday, June 15, 2004 11:00:30 AM
Number of pages including this cover sheet: 03

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JUN 15 2004

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